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10

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA, SOUTHERN DIVISION**
13

14 THERESA L. STALL, individually, and
15 MARCUS STALL,

16 Plaintiffs,

17 v.

18 JOHANN MONTEAGUDO, individually;
KNIGHT REFRIGERATED, LLC, a Foreign
19 Limited Liability Company; KNIGHT
TRANSPORTATION, INC. a Foreign
20 Corporation; DOES 1 through 20, inclusive;
and ROE BUSINESS ENTITIES 1 through
21 20, inclusive,

22 Defendants.
23

Case No. 2:18-cv-01928-JCM-BW

**STIPULATION AND ORDER TO
CONTINUE TRIAL
(FIRST REQUEST)**

The Hon. James C. Mahan

Trial Date: None Set

24 Pursuant to LR IA 6-1, and for good cause shown, the parties, by and through their respective
25 counsel of record hereby stipulate and agree to and jointly move this Honorable Court for an order
26 to continue trial as indicated below. This is the first stipulation for extension of trial.

27 **I. STATEMENT OF FACTS**

28 Plaintiff filed her Complaint on September 13, 2018. Defendants filed a Petition of Removal

1 and Answer in United States District Court, District of Nevada, Southern Division on October 15,
 2 2018. Plaintiff filed her Amended Complaint on November 6, 2018 and Defendants filed an Answer
 3 to the Amended Complaint on November 28, 2018. Trial is currently set for October 19, 2020. The
 4 relevant discovery deadlines are as follows:

- 5 1. May 15, 2019: Initial Expert Disclosure Deadline
- 6 2. May 22, 2019: Initial Expert Disclosure Deadline as to Plaintiff's physician Kathy
 7 Travnicek, M.D.
- 8 3. June 14, 2019: Rebuttal Expert Disclosure Deadline
- 9 4. June 21, 2019: Initial Expert Disclosure Deadline as to Plaintiff's physician Kathy
 10 Travnicek, M.D.
- 11 5. December 9, 2019: Close of Discovery
- 12 6. January 8, 2020: Dispositive Motions
- 13 7. February 7, 2020: Joint Pretrial Order

14 **II. REASON FOR REQUEST FOR TRIAL CONTINUANCE**

15 In light of the COVID-19 pandemic, extensive restrictions and precautions have been put in
 16 place, resulting in a backlog of criminal and civil trials. Further, it is the parties' understanding that
 17 trials are not currently being held, but, when they do recommence, the backlog of criminal trials
 18 may take priority. As such, continuance of the parties' current October 19, 2020 trial date is justified
 19 and necessary. "A motion or stipulation to extend time must state the reasons for the extensions
 20 requested and must inform the court of all previous extensions of the subject deadline the court
 21 granted." LR AI 6-1(a). Good cause to continue trial as the restrictions of COVID-19 will preclude
 22 this trial's current setting from proceeding. Additionally, both parties agree the continuance of trial
 23 would not cause injury or injustice under these circumstances. In sum, due to unforeseen and
 24 unprecedented circumstances, that are no fault of either party, good cause exists for trial
 25 continuance.

26 **IV. TRIAL DATE**

27 Counsel have met and herewith submit three (3) agree-upon trial dates:

- 28 1. March 8, 2021

1 2. May 10, 2021; and

2 3. May 17, 2021

3 It is expressly understood by the undersigned that the court will set the trial of this matter on
4 one of the agreed upon dates, if possible; if not, the trial will be set at the convenience of the Court's
5 calendar.

6 This is the first request for an continuance of trial. The Parties respectfully request that the
7 Court grant this request to continue the jury trial currently set for October 19, 2020 and calendar
8 call set for October 14, 2019.

9 **STIPULATED AND AGREED TO:**

10 Dated this 15th day of September, 2020

Dated this 15th day of September, 2020

11 **BERTOLDO BAKER CARTER &
12 SMITH**

/s/Brett A. Carter

**WOOD SMITH HENNING & BERMAN
13 LLP**

/s/ Analise N.M. Tilton

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*Attorneys for Defendants Knight
18 Refrigerated, LLC and Kevin Cornish*

21 **IT IS SO ORDERED.**

23 
24 **UNITED STATES DISTRICT JUDGE**

25 **Dated:** September 16, 2020

26 Jury Trial continued to June 7, 2021 at 9:00 a.m. in Courtroom 6A. Calendar call continued to June
27 2, 2021 at 1:30 p.m. in Courtroom 6A.